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KILPATRICK TOWNSEND & STOCKTON LLP			BROWN, RUEBEN M	
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The time period for reply, if any, is set in the attached communication.

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## **ADVISORY ACTION**

### ***Response to Arguments***

1. Applicant's arguments filed 7/18/2011 have been fully considered but they are not persuasive. On page 9, applicant asserts, "one would not combine the teachings of Hodge with the combined systems of Proehl and Inoue...". On page 10, applicant goes on to explain, "Inoue has no need or desire to incorporate a dedicated channel to one of the users receiving an NVOD program...Inoue already provides a way for a user to pause...that takes advantage of multiple versions of the same NVOD program being transmitted on different channels...offset by a broadcast interval time on the different channels...". Applicant continues to argue on page 10 that, "Because Inoue describes a method of pausing a program that takes advantage of the offset NVOD programs, one of ordinary skill in the art would not be motivated to use the dedicated bandwidth of Hodge to provide video-motion-control because it is unnecessary and wastes bandwidth".

Examiner respectfully disagrees with applicant's arguments. First of all, Hodge is based on the concepts of conventional NVOD systems, providing certain improvements. Secondly, Hodge teaches that the user is only provided with a dedicated stream, "for only as long as required." In fact, consistent with the teaching in Inoue, the Hodge reference discloses, "Upon completion of the video-motion-control, a user is switched to a stream of the video program, offset in time from the original stream, with the offset in time corresponding to...", see col. 9, lines 1-16. In other words, the dedicated stream is provided to the user in Hodge only while

necessary, afterwards the user is put into an offset NVOD stream, which is the same teaching as Inoue.

Conceivably, if the user in Hodge pauses the reception of the original NVOD stream for a short period of time, and does no other VCR-like functions, when the instant original stream is resumed by the user, then the user would be placed in the next offset NVOD stream, without the need to use any of the dedicated streams. In that instance, Inoue & Hodge would operate the same.

Thirdly, examiner notes that the only VCR-like control discussed in Inoue is the Pause feature. However, Hodge discusses additional VCR-like control features, namely, FF & Reverse. When the user in Hodge uses any other VCR-like function, e.g., FF or Reverse, then the user is provided a dedicated stream. Inoue does not explicitly discuss how FF or Rewind would be handled in the invention. Clearly, one of ordinary skill in the art would have been motivated to modify the combination of Proehl & Inoue with the teachings of Hodge, at least for the benefit of providing the user with the opportunity to have video-motion-control without interrupting the video program being provided to the remaining user sharing the NVOD stream, and to minimize the storage media required to store the video information, see Hodge, col. 2, lines 64-67 thru col. 3, lines 1-5. In this operation of Hodge, the second portion of the video stream is provided as a single-user VOD stream, which reads on the corresponding limitation in the claim, of a singlecast media.

In light of the above discussion, the Final Rejection is maintained.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Reuben M. Brown whose telephone number is (571) 272-7290. The examiner can normally be reached on M-F (9:00-6:00), First Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Pankaj Kumar can be reached on (571) 272-3011. The fax phone numbers for the organization where this application or proceeding is assigned is (571) 273-8300 for regular communications and After Final communications.

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/Pankaj Kumar/  
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